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FM AMEMBASSY SANTO DOMINGO
TO RUEHC/SECSTATE WASHDC PRIORITY 5371
INFO RUEAIIA/CIA WASHINGTON DC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY
RUEAHLA/HQS DHS WASHDC PRIORITY

UNCLAS SANTO DOMINGO 002228

SIPDIS

SENSITIVE
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DEPT PASS EXIMBANK FOR JOHN MCADAMS AND TOM FITZPATRICK;
DEPT FOR WHA/CAR, WHA/PPC, EB/IFD/ODF (CONNELL), INL, PM;
TREASURY FOR DO:J LEVINE

E.O. 12958: N/A
TAGS: [EFIN](#) [SNAR](#) [BEXP](#) [MARR](#) [DR](#)
SUBJECT: AMBASSADOR'S CERTIFICATION FOR SWIFTSHIPS SALE TO
DOMINICAN REPUBLIC

REF: A. 2005 STATE 4815
[1](#)B. 2005 STATE 4829 (NOTAL)
[1](#)C. EMAILS MEIGS/EXIMBANK (FITZPATRICK & MCADAMS)

FROM THE AMBASSADOR

[1](#)1. I have reviewed arrangements made by the Dominican authorities, at the suggestion of this Embassy, concerning the proposed sale to the Dominican Republic of four 46-foot Swiftships patrol vessels with financing from the U.S. Export-Import Bank.

[1](#)2. The Dominican Navy, the Dominican Navy's specialized Port Security Corps (CESEP), and the Dominican Anti-Drugs Agency (DNCD) have agreed to establish a joint anti-narcotics operations plan to be called "Guardians of the Sea." The heads of these institutions have signed a memorandum of understanding stipulating that the four Swiftships patrol vessels will be placed under command and tactical control of CESEP and posted at the ports of ports of Cabo Rojo, Manzanillo, Puerto Plata, and Ro Haina. Under the MOU these assets will be available promptly for use by the DNCD for cooperative missions against narcotics trafficking. The Embassy's informal translation of this MOU follows below, and an electronic copy of the original has been sent to EXIMBANK (TFitzpatrick), to EB/IFD/ODF and to WHA/CAR.

[1](#)3. With the provisos that

- a) reference to this MOU be made in the EXIMBANK loan documents,
- b) end-use monitoring be stipulated as a condition of financing, and
- c) inclusion in the loan documents of the provision that confirmation by the U.S. government that the terms of the MOU concerning availability of vessels for anti-narcotics operations are not being satisfied shall result in acceleration of the full schedule of payments,

I certify that these vessels will be used for anti-narcotics enforcement.

[1](#)4. Unofficial translation of MOU follows:

(BEGIN TEXT)

MEMORANDUM OF INTER-INSTITUTIONAL UNDERSTANDING
TO DEFINE A STANDARD OPERATING PROCEDURE FOR
THE EXECUTION OF SURFACE MARITIME OPERATIONS IN
JURISDICTIONAL OF THE DOMINICAN REPUBLIC

The Secretariat of State of the Armed Forces, pursuant to what is established in Article 93 of the Constitution of the Republic, is responsible for defending the independence and integrity of the Republic, maintaining public order, and upholding the Constitution and laws, and is therefore responsible to His Excellency, the Constitutional President of the Republic and the Dominican people for the defense and security of the nation, for purposes of facilitating the work performed by the Navy, the National Drug Control Directorate (DNCD), and the Specialized Unit of Port Security (CESEP), concerning the application of laws, exercising of sovereignty, and the struggle against the threats to national security by violating public order and national laws, orders the memorandum of understanding detailed below under the understanding that:

The Navy, pursuant to Article 7 of Law No.873, better known as the Organic Law of the Armed Forces, is responsible 1) for defending the integrity, sovereignty, and independence of the nation; 2) ensuring compliance with the constitution and laws; 3) Maintaining public order on the coasts and in the territorial waters of the Republic; 4) protecting legal maritime traffic and industries, ensuring respect for their interests and pavilions (sic); 5) fighting piracy, law-breaking, provisions on navigation, trade and fishing and international treaties, supporting the authorities and legally incorporated officials in the manner provided for by law and military regulations; 6) protecting persons and their property; 7) performing the functions of military service ordered by the President of the Republic.

The National Drug Control Directorate (DNCD), pursuant to law 50-88, is responsible for performing all work of repressing drug trafficking that operates to, from, and within national territory.

The Specialized Unit for Port Security (CESEP), pursuant to Decree No. 746-00 dated 11-092000, is responsible for the security of Dominican ports and for verifying implementation and maintenance of protection plans approved by the authority designed in accordance with what is established in the Code for Protection of Ships and Port Installations PBIP,

Having seen the operational needs of each one of the institutions indicated above,

Having seen the operational capacities of each one of the institutions indicated above,

Having analyzed the threats to national security which are present in our jurisdictional waters and ports, which we understand, due to budgetary and logistical limitations, must be faced jointly by the Navy, the National Drug Control Directorate, and the Specialized Unit for Port Security, without this fact representing a usurpation of functions or violation of jurisdiction, the following standard operational procedures are ordered:

The Navy will develop an Operations Plan that will be called Guardians of the Sea, through which it will use its naval units for purposes of establishing a calendar of patrols and operations, that can be sustained with the institution's own resources, orienting the effort and operations towards those areas which, after analysis of the available intelligence operations, its Chief of Staff determines are necessary. This PLANOP must contemplate resources and abilities to respond to the reaction operations guided by intelligence information with the purpose of countering the threats presented in real time.

The organization of Tasks of this PLANOP will have all

existing naval units and those in process of being received and/or acquired in the immediate future.

The Navy, at the request of the National Drug Control Directorate (DNCD), will embark the members of the DNCD who may be necessary in its units, and will place them under the tactical operational control of the Director of the DNCD, in order to combat drug trafficking in our jurisdictional waters by means of operations reacting to intelligence information generated or administered by the DNCD. The cost of these operations, regarding fuel, oils, and lubricants consumed, must be paid for by the DNCD to the Chief of Staff of the Navy with funds from its budgetary assignment, after receipt of a detailed list of expenses incurred as a result of the operation or operations performed.

In addition to what is agreed above, the Chief of Staff for the Navy, whether directly or through the Chief of the Naval Operations Division M-3, Navy, or the Supervising Officer of the Chief of Staff, Navy, will assign under command and tactical control of CESEP, the four (4) 46% coast guards to be acquired from the Swiftships Shipbuilders Yard, through a loan granted by the Regions Bank, with the Guarantee of the Export Import Bank by the Dominican State, which will be located in the ports of Cabo Rojo, Manzanillo, Puerto Plata, and Ro Haina. The crews of these ships, the technical support, and training of their personnel will be provided by the Navy. The Specialized unit for Port Security will be responsible for supplying all resources for the operation and maintenance of these units, and will be responsible to the Chief of Staff of the Navy for seeing that they are maintained in the highest state of operational readiness.

It is understood that all tactical operations required shall be executed immediately after notification of the request to the Chief of the Naval Operations Division M-3, Navy, and in the event that he cannot be contacted, they shall notify the Supervising Officer of the Office of the Chief of Staff of the Navy, who must execute the request.

The Navy, in those cases that it considers necessary, shall with previous notification to the Director of CESEP have the ability to use the 4 units to be placed under tactical

control of CESEP to carry out missions of the Navy.

For no reason may the operations requested by the National Drug Control Directorate or by the Specialized Unit for Port Security be denied with the rationale of the lack of resources; to such ends, the Chief of Staff of the Navy shall maintain its units at the highest level of operational readiness and at maximum operational capacity.

The President of the National Drug Control Directorate and the Director of the Specialized Unit for Port Security undertake to compensate the costs of consumable supplies made by the units that are employed in the support operations to their respective institutions in a term period no greater than 60 days.

Given and signed in Santo Domingo, Dominican Republic, on the 06th day of the month of June of the year 2006.

(signed)

CESAR AUGUSTO DE WINDT RUIZ
Vice Admiral, Navy
of Staff, Navy

(signed)
IVAN ALEJANDRO PEA CASTILLO
Vice Admiral, Navy
President of the National Drug Control
Directorate (DNCD)

(signed)
HOMERO LUIS LAJARA SOLA,

Rear Admiral, Navy
Director of Specialized Unit for Port
Security (CESEP)

(END TEXT)

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HERTELL